

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GREGORY ANTONIO WRIGHT,

Plaintiff,

v.

GRANT AUSTIN,

Defendant.

CASE NO. 3:15-CV-05887-BHS-JRC

ORDER ON MOTION FOR PHOTO
EVIDENCE

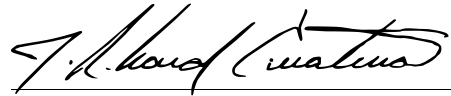
This 42 U.S.C. §1983 civil rights matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §§ 636 (b) (1) (A) and (B) and Local Magistrate Judge Rules MJR 1, MJR 3, and MJR 4. Plaintiff is proceeding *pro se*. See Dkt. 7.

Before the Court is plaintiff's motion to receive photo evidence. Dkt. 26. Plaintiff asks the Court to order his attorney in separate matter, non-party Louis Byrd Jr., to provide plaintiff with copies of video evidence that was used in Case No. 15-1-00085-3. *Id.* Because plaintiff's motion seeks to compel a non-party to produce evidence, the Court interprets plaintiff's motion as a request for the Clerk of Court to issue a subpoena pursuant to Federal Rule of Procedure 45. See Dkt. 26. Defendant did not file a response to plaintiff's motion.

1 Federal Rule of Civil Procedure 45(a)(3) provides that: “[t]he clerk must issue a
2 subpoena, signed but otherwise in blank, to a party who requests it. That party must complete it
3 before service.” Further, “[i]f a subpoena commands the production of documents, electronically
4 stored information or tangible things ... before trial, then before it is served on the person to
5 whom it is directed, a notice and a copy of the subpoena must be served on each party.” Fed. R.
6 Civ. P. 45(a)(4). Any person over the age of 18 and not a party may serve a subpoena but the
7 party responsible for serving the subpoena must take reasonable steps to avoid imposing an
8 undue burden or expense on a person subject to the subpoena. *See* Fed. R. Civ. P. 45(b) and (d).

9 Accordingly, the Court grants plaintiff’s motion as follows: the Clerk’s Office is directed
10 to issue a blank subpoena to plaintiff.

11 Dated this 3rd day of October, 2016.

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14 J. Richard Creatura
15 United States Magistrate Judge
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